In Sakuta (US 6,747,115), a polyoxyalkylene-modified cross-linked silicone polymer, a pasty composition containing the said polymer and a cosmetic material are described and it is described that fluoroalkyl group-containing polyether-modified silicone can be used as an non-ionic surfactants ... (Lines 16-19, Lines 54-57, Column 12) and, regarding the said fluoroalkyl group-containing polyether-modified silicone", if p exceeds 2.0, ...-, so sufficient emulsification is no longer obtained" is described (Lines 2-5, Column 13).

Considering the above aspects, one of ordinary skill in the art could predict easily that, in Sakuta's invention, an emulsion material excellent in emulsion stability can be obtained by using the glycerol-modified silicone of Shioya instead of the fluoroalkyl group-containing polyether-modified silicone, that is, by mixing the glycerol-modified silicone of Shioya with the cross-linked organopolysiloxane polymer of Sakuta. However, one of ordinary skill in the art would not find a reason to introduce a glycerol group instead of a polyoxy alkylene group into the cross-linked silicone in Sakuta.

As is clear from the comparison between Examples 11-12 and Comparative Examples 1-2 in the present specification, it is demonstrated that the cosmetic material using the glycerol-modified cross-linked organopolysiloxane in the present application is significantly much more excellent than the one using polyoxyalkylene-modified cross-linked organopolysiloxane (Page 49, English Specification). However, regarding Examples 11-12 in the present application, Examiner mentioned that "Although ...assertion..." (Lines 3-6, Page 10, OA) and "applicant really also... it does not state cross-linked polyglycerol-modified silicone" (Lines 5-15, Page10, OA), which are only about Example 12, but not about Example 11.

In Example 11, not uncross-linked polyglycerol-modified silicon, but cross-linked polyalycerol-modified silicone only is used as a polyglycerol-modified silicone, which exhibits very good moistness after use and long term moistness (Page 49, English Specification). However, the Office Action concluded that "the result provided in ... Examples 11-12 and ..." (Lines 15-20, Page 10) by ignoring the effect of Example 11 of the present application wherein uncross-linked polyglycerol-modified silicone is not used, which is unreasonable.

Furthermore, the Office Action alleges that "The assessment is ...objectively." However, the evaluation was carried out by 50 panels. Since it shows sufficient objectivity obtained from 50 panels, the Office Action's allegation is improper.

The Office Action also alleges that "Harai et al. ... adhesiveness" concerning Harai. However, Harai mentions adhesive agent and, therefore, it is completely different from the organopolysiloxane polymer of the present application used for cosmetic material in the way of using, and it is impossible to consider "tack" (adhesiveness) required in cosmetic material which is applied on the human face and "tack" (adhesiveness) required in adhesive agent which bonds physical matters to each other as the same quality. Therefore, the Office Action's allegation described above is not correct.

The adhesive composition of Harai comprises (A) alkenyl group-containing organopolysiloxane, (B) organohydrogenpolysiloxane, (C) wet-method hydrophobicized reinforcing silica, (D) acryl-functional silane coupling agent or methacryl-functional silane coupling agent, (E) epoxy-functional silane coupling agent and (F) partial allyl ether of multivalent alcohol as an essential component.

In the present claims, none of the above components (A), (C), (D) and (E) are used for synthesizing the organopolysiloxane polymer. In Harai's invention, even though diglycerol diallyl ether is used as the component (F), the reaction product of these components is a structurally complicated cross-linked type compound, which shows clearly that Harai never suggests the organopolyxiloxane polymer of the present claims.

The Office Action further alleges that " applicant's claim ... or method steps" (Lines 10~14, Page 11, OA). However, " An organopolysiloxane polymer ...of a liquid oil ..." is described in present Claim 2. In the present Claim 2, "containing..." mentions only properties of organopolysiloxane polymer after "which can swell" and, in fact, the organopolysiloxane polymer of the present Claim 2 does not contain an oil. Therefore, "containing" in the present Claim 2 is not used as "transitional term."

In addition, it is unreasonable in this art to allege that components added for bonding physical matters to each other are useful for cosmetic material applied to human faces.

Furthermore, since adhesive agents are used to bond physical matters together in the reference, one of ordinary skill in the art would rather stay away as swelling-up of cured material by containing oil is a physical property not desired in an adhesive agent.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

Csaba Henter, Reg. No. 50,908
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Direct Dial: 703-812-5331
Facsimile: 703-243-6410
Attorney Docket No.:TAKIT-196

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